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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,821	04/16/2004	Steven P. Krzyskowski	KPS-100-B	1727
22825	7590	09/14/2005	EXAMINER	
WILLIAM M HANLON, JR YOUNG & BASILE, PC 3001 WEST BIG BEAVER ROAD SUITE 624 TROY, MI 48084-3107			JOYCE, HAROLD	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/826,821

Applicant(s)

KRZYSKOWSKI ET AL.

Examiner

Harold Joyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 1-6 and 9-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 8 and 9; claim 9, lines 8 and 9; and claim 10, lines 7 and 8; there is no antecedent basis for "the second access opening". Moreover, there is no first access claimed. In claim 11, line 14, "said side wall ... opening therein" is confusing because a collar is not a duct. In claim 16, there is no antecedent basis for "said ceiling housing arrangement".

### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There are no antecedent bases in the specification for the claimed, "inwardly directed lip", claim 1, line 10 and "double edge flange portion", claim 1, lines 10 and 11.

3. Claims 11-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 11, lines 11 and 12, "drawn into the inside of said manifold housing" is directed to new matter.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eversole in view of Barboza et al. and Donnelly. Eversole discloses the claimed invention except for the ceiling clamp and retaining barbs. Barboza et al. teaches that it is known to provide a collar with clips as set forth at column 3, lines 6-16. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the box of Eversole with the ceiling clamps, as taught by Barboza et al. in order to mount the box to the ceiling. Donnelly teaches that it is known to provide a duct with barbs as set forth at column 6, lines 11-20. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the collar of Eversole with the retaining barbs, as taught by Donnelly for its intended purpose.

6. Claim 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eversole in view of Barboza et al. and either Markman et al. or Murphy. Eversole discloses the claimed invention except for the ceiling clamp and rotatable door. Barboza et al. teaches that it is known to provide a collar with clips as set forth at column 3, lines 6-16. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the box of Eversole with the ceiling clamps, as taught by Barboza et al. in order to mount the box to the ceiling. Markman

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et al. or Murphy teaches that it is known to provide a rotatable door as set forth at 2 and 60, respectively. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the collar of Eversole with a rotatable door, as taught by Markman et al. or Murphy in order to control air flow.

7. Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eversole in view of Barboza et al. Eversole discloses the claimed invention except for the ceiling clamp. Barboza et al. teaches that it is known to provide a collar with clips as set forth at column 3, lines 6-16. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the box of Eversole with the ceiling clamps, as taught by Barboza et al. in order to mount the box to the ceiling.

***Allowable Subject Matter***

8. Claims 1-6, 19 and 20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Response to Arguments***

9. Applicant's arguments with respect to claims 9-18 have been considered but are moot in view of the new ground(s) of rejection. Note, in claim 14, the "adapted to..." and "whereby" clauses recites no structure and accordingly cannot serve to patentable distinguish over the references.

***Conclusion***

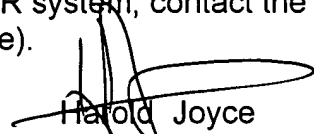
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold Joyce whose telephone number is (571) 272-4876. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on (571) 272-4877. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Harold Joyce  
Primary Examiner  
Art Unit 3749